Previous References.

C/5 81-36 (3-41)

File No. 141-40

Serial Nos. 1 & 2

Later References.

C/5 67-41 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two only

Part B for Dec. 1940

SUBJECT.

Revised rates of travelling allowance and Batta to Non-Official Witnesses attending Sessions Courts.

Serial No.

From
The Registrar High Court
Roc No 416 /39-40 Dt 27.9.1940.

Recommends the revision of the rates of T.A. payable to Witnesses in Sessions Cases.

1)
Submitted with references for orders.

2) If approved, the Financial Secretariat may be Consulted. A typed Statement of the Table printed on page 167 of the criminal Rules of practice Vol I is also put up.

3) The Fin Secretary may be Consulted in the matter.

Law Secretary) 3
16/10

Fin Secy) 4)
W.C.

According to M.S.R., even officers of the I Class (drawing a pay of more than Rs. 1,200 per mensem) are allowed a mileage of only six annas. the present case also the mileage for the I Class officers may be fixed at six annas.

Judicial and Revenue Secretariat

Serial No.

b)
Forwarded with Compliments to the Comptroller & Govt for favour of Opinion

L&G No. P 502 40 dt 7/11/40

By Order

For Secretary to Govt
Law Dept

COMPTROLLER'S OFFICE, BANGALORE
7 NOV 1940
281/sfl
SPECIAL SECTION

A.T. A.T. T.A.

W.O. 8/TA

No. 276/sfl dated 25-11-40

U.O.No.100/TA dated 22-11-40

Returned with compliments.

The table of travelling allowance and batta rates proposed for the Non-official witnesses attending Session trials in Registrar's letter No.ROC 416 dated 26/27-9-40 may be approved with the modification of the mileage rate admissible to First Class Non-official witnesses from eight annas to six annas suggested by the Financial Secretary in his Note dated 1-11-40.

M. Venkatagiriah
Comptroller.
25/11/40

CV

SECY. LAW DEPT. 25 NOV. 1940 GOVT OF MYSORE

May be approved
I Member) ✓
Thro' Fin Secy)

2614

Serial No.

Subd with a draft

Con 5/12 Dom

for perusal before issue

Law Secretary) 5/12

Hm 7/12/40

5/12

TYPING SECTION 7 DEC. 1940 GEN. & REV. SECTT.

Je. cm 1654

Secy. Secy. has agreed, subject to his remarks.

5/12

Secy

Secy 7/12 Secy

To

The Registrar Supm Court.

The Comptroller Khyber P.D

No 3231 -2 dt 23. 12. 40.

Sanction the recommendation of the Supm Court re. the payment of batta to non-official witnesses.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

Travelling Allowance

Fixing certain revised rates of ——— and batta payable to non-Official Witnesses attending Sessions trials.

No. P 323/1-2/Cts 141-40-2 DATED 23rd December 1940.

May this be

i. printed ? yes

ii. treated as a standing order ? yes

iii. published in the Gazette English Part ?

iv. translated ?

v. placed at the disposal of the press ?

vi. published in the Gazette Kannada Part ?

} NO

Submitted for orders

Cs 3/41

No. P3851/Secr 2 & 25.1.41.
issued to the Supdt. Govt. Press.

Press

R. O. C. No. 416/39-40

Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 26th September 193 1940

From

T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department,
Bangalore.

Sir,

I am directed to advert to G.O.No.P.6077-9/Cts.81-36-4, dated 20/22nd April 1937, making an amendment of the rules contained in Chapter XXX, Section I: Expenses of Witnesses, Volume I, Criminal Rules of Practice and Circular Orders. Recently other instances of diversity of practice and unnecessary expenditure in the payment of batta to witnesses in Sessions Cases have come to the notice of the High Court. It was found that in one district mileage rates were being paid to witnesses for journeys over roads by which they could and did travel by part in conveyances at much lower rates, and thereby the witnesses were making a considerable and unnecessary profit at th expense of the Government. In the opinion of the Judges this ought be prevented. They recommend that the table of travelling allowance and batta rates shown in the enclosed draft should, if the Government approve, ~~xxxxxx~~ be substituted for the table printed on page 167 of the Criminal Rules of Practice and Circular Orders, Volume I, which at presen leaves loopholes for extravagance.

11. (ii) Non-Official witnesses attending sessions trials shall be paid allowances and subsistance allowance (batta) at the following rates:-

Witness	Travelling allowance for journey to and from the Court-house.				Subsistance allowance (batta.)
	By rail	By Road.		By Sea or Canal.	
		8 annas a mile (subject to the minimum of Rs.3/-			
		Where there is a public conveyance such as a motor bus plying for hire.	Where there is no public conveyance plying for hire.		Rs. a.p
First Class	First Class Fare(Single)			Actual expense of passage.	Not to exceed .. 3 - 0 -0 a day.
Second Class	Second Class fare (single)	Actual fare (single)	Rs. as. ps. 0 4 0 a mile (subject to the minimum of Re.1/-).		-do- .. 1 - 0 -0 -do-
Third Class	Third Class fare(Single).	-do-	0 2 0 -do- (subject to the minimum of as.0-8-0).		-do- .. 0 - 8 -0 -do-
Fourth Class	-do-	-do-	0 0 6 -do- (subject to the minimum of as.0-4-0).		-do- .. 0 - 4 -0 -do-

NOTE:- If a witness is paid, not the bare railway fare or bus charge for his journeys to or from Court, but travelling allowance at the mileage rate provided for his class, no subsistence allowance (batta) shall be paid to him for the day or days of his journeys.

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue ..23..1..2.....193 6.

Signed by .....

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section Courts

File No. 141-40

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G.O. No P 2925-34 | Cts 81-36 2 Dt 5.11.1936 directing that the Witnesses attending Sessions Courts be classified into four Clases in the same way as Witnesses ~~Order thereon. No.~~ attending Civil Courts

(2) G.O. No P 6077-9/Cts 81-36-4 Dt 22.4.1937 Sanctioning the addition of a note to the Rules

Registrar High Court Of
Mysore forwarding for sanction
a revised table of T. A
and batta rates payable
to non-Official Witnesses
attending Sessions trials.

Order P. 3231-2 Dt 23-12-4

The High Court have
brought to the notice
of Govt that there
have been instances
of diversity of practice
in the matter of
payment of T. A and
batta to the non-Official
Witnesses attending Sessions
Courts with the result
that unnecessary expenditure
has been incurred

Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

With a View to Secure uniformity of practice and to prevent unnecessary expenditure, the High Court have recommended the adoption of the certain revised rates of T. A and batta ~~[illegible]~~ payable to the Non-Official Witnesses attending Sessions trials.

Govt are pleased to sanction the recommendation of the High Court With the modification that the mileage rate admissible to First Class Non-official Witnesses be fixed at Six annas instead of at eight

A Statement embodying the revised rates of T.A. and halta referred to above is appended to this order.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read

Government Order No.P.2925-34/Cts.81-36-2 dated 5th November, 1936, directing that the witnesses attending Sessions Courts be classified into four classes in the same way as witnesses attending Civil Courts.

2) Government Order No.P.6077-9/Cts.81-36-4 dated 22nd April 1937 sanctioning the addition of a note to the rules on the above subject.

3) Letter No.R.O.C.416/39-40 dated 27th September 1940 from the Registrar, High Court of Mysore, forwarding for sanction a revised table of Travelling Allowance and batta rates payable to non-official witnesses attending Sessions trials.

ORDER NO. F. 3231-2/ CS 141-40-L

BANGALORE, DATED 23rd DECEMBER, 1940.

The High Court have brought to the notice of Government that there have been instances of diversity of practice in the matter of payment of Travelling Allowance and batta to the non-official witnesses attending Sessions Courts with the result that unnecessary expenditure has been incurred in that behalf. With a view to secure uniformity of practice and to prevent unnecessary expenditure, the High Court have recommended the adoption of certain revised rates of Travelling Allowance and batta payable to the non-official witnesses attending Sessions trials.

Government are pleased to sanction the recommendation of the High Court with the modification that the mileage rate admissible to First Class Non-official witnesses be fixed at six annas instead of at eight annas as recommended by the High Court

A statement embodying the revised rates of Travelling Allowance and batta referred to above is appended to this order.

M. R. Varadaraya
Secretary to Government

11. (11) Non-Official witnesses attending sessions trials shall be paid allowances and subsistance allowance (batta) at the following rates:

Class of witnesses	Travelling allowance for journey to and from the Court-house.			Subsistance allowance (batta)
	By rail	By Road.		
			By Sea or Canal.	
rst Class	First Class fare(Single)	6 annas a mile (subject to the minimum of Rs.3/-)	Actual expense of passage.	Rs, a Not to exceed 3 a
		Where there is a public conveyance such as a motor bus plying for hire. / Where there is no public conveyance plying for hire.		
ond Class	Second Class fare (single)	Actual fare (single) / Rs. a. p. 0 4 0 a mile (subject to the minimum of Re.1/-).	—do—	-do- 1 a
rd Class	Third Class fare(single)	-do- / 0 2 0 a mile (subject to the minium of as.0-8-0).	—do—	-do- 0 a
th Class	-do-	-do- / 0 0 6 a mile (subject to the minimum of as.0-4-0)-	—do—	-do- 0 a

NOTE:- If a witness is paid, not the bare railway fare or bus charge for his journeys to or from Court, but travelling allowance at the mileage rate provided for his class, no subsistence allowance (batta) shall be paid to him for the day or days of his journeys.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 3231-2—Cts. 141-40-2. dated 23rd December 1940.

Travelling Allowance.

Sanctions certain revised rates of —— and batta payable to non-official witnesses attending sessions trials.

READ.—

Government Order No. P. 2925-34—Cts. 81-36-2, dated 5th November 1936, directing that the witnesses attending Sessions Courts be classified into four classes in the same way as witnesses attending Civil Courts.

2. Government Order No. P. 6077-9—Cts. 81-36-4, dated 22nd April 1937, sanctioning the addition of a note to the rules on the above subject.

3. Letter No. R. O. C. 416—39-40, dated 27th September 1940, from the Registrar, High Court of Mysore, forwarding for sanction a revised table of travelling allowance and batta rates payable to non-official witnesses attending sessions trials.

ORDER No. P. 3231-2—CTS. 141-40-2, DATED BANGALORE, THE 23RD DECEMBER 1940.

The High Court have brought to the notice of Government that there have been instances of diversity of practice in the matter of payment of travelling allowance and batta to the non-official witnesses attending Sessions Courts with the result that unnecessary expenditure has been incurred in that behalf. With a view to secure uniformity of practice and to prevent unnecessary expenditure, the High Court have recommended the adoption of certain revised rates of travelling allowance and batta payable to the non-official witnesses attending sessions trials.

2. Government are pleased to sanction the recommendation of the High Court with the modification that the mileage rate admissible to first class non-official witnesses be fixed at six annas instead of at eight annas as recommended by the High Court.

3. A statement embodying the revised rates of travelling allowance and batta referred to above is appended to this order.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department

To—The Registrar, High Court of Mysore, Bangalore.
The Comptroller to Government through the Financial Department.

Exd.—C. K.

No. P. 3231-2—Cts. 141-40-2, dated 23rd December 1940.

ANNEXURE.

11. *(ii)* Non-official witnesses attending sessions trials shall be paid allowances and subsistence allowance (batta) at the following rates:—

Class of witnesses	Travelling allowance for journey to and from the Court-house			By sea or canal	Subsistence allowance (batta)	
	By rail	By road				
		Where there is a public conveyance, such as a motor bus plying for hire.	Where there is no public conveyance plying for hire.			
First Class ...	First Class fare (single).	Six annas a mile (subject to the minimum of Rs. 3)		Actual expense of passage.	Not to exceed	Rs. a. p. 3 0 0 a day.
Second Class ...	Second Class fare (single).	Actual fare (single).	Four annas a mile (subject to the minimum of Re. 1).	Do	Do	1 0 0 a day.
Third Class ...	Third Class fare (single).	Do	Two annas a mile (subject to the minimum of Re. 0-8-0).	Do	Do	0 8 0 a day.
Fourth Class ...	Do	Do	Six pies a mile (subject to the minimum of Re. 0-4-0).	Do	Do	0 4 0 a day.

Note:—If a witness is paid, not the bare railway fare or bus charge for his journeys to or from court, but travelling allowance at the mileage rate provided for his class, no subsistence allowance (batta) shall be paid to him for the day or days of his journeys.

WD 1445—GPB—870—14-2-41

Rule 408 (Existing

Superintendents shall give prisoners every facility for preferring their appeals. If a prisoner desires to appeal, and declares that he has no friends or agents who can make an appeal for him, he shall, if he can write, be provided with writing materials and allowed to write his own petition of appeal. If he cannot write, a prisoner or jail officer shall write to petition of appeal at his dictation. The Superintendent shall not be obliged to give assistance in the preparation of appeals of prisoners who omit to give notice of their intention to appeal before the period of limitation has expired. A prisoner whose petition of appeal is written for him, shall be given full ~~of~~ opportunity of expressing himself and his case shall, as far as possible, be recorded in his own words. Printed forms of appeal petition should not be used.

~~Amended~~ Rule 408
as proposed ~~to be~~ amended

Superintendents shall give prisoners every facility for preferring their appeals. If a prisoner desires to appeal, and declares that he has no friends or agents who can make an appeal for him, he shall, if he can write, be provided with writing materials and allowed to write his own petition of appeal. If he cannot write, a jail officer shall write the petition of appeal at his dictation. The Superintendent shall not be obliged to give assistance in the preparation of appeals of prisoners who omit to give notice of their intention to appeal before the period of limitation has expired. A prisoner whose petition of appeal is written for him, shall be given full opportunity of expressing himself and his case shall, as far as possible, be recorded in his own words. Printed forms of appeal petitions should not be used.

P.S. Here the words "a prisoner or" are proposed to be omitted